APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,392	09/12/2003	Jeffrey George	60518-159	8437

27305   7590   02/28/2008
HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304-5151

EXAMINER
SHAH, MILAP

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
02/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/661,392	GEORGE ET AL.
	Examiner	Art Unit	
	Milap Shah	3714	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 January 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-64</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-64</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20080220

DETAILED ACTION

This action is in response to the amendment received on January 31, 2008. The Examiner

acknowledges that claims 1, 2, 30, 63, & 64 were amended, no claims were canceled, and no new claims

were added. Therefore, claims 1-64 are currently pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the at least one gaming machine" in the last limitation of the claim.

There is insufficient antecedent basis for this limitation in the claim. Applicant recently amended the earlier

part of claim 1 to recite a plurality of gaming machines, thus, the latter part of claim 1 should be amended

accordingly.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, 9, 15, 26-31, 36, 37, 43, & 54-62 are rejected under 35 U.S.C. 102(b) as being

anticipated by Rowe et al. (U.S. Patent Application Publication No. 2002/0103027, published August 1,

2002).

Claims 1 & 30: Rowe et al. disclose the same invention including a system for use with a gaming system, the gaming system for implementing a player tracking system and having a plurality of gaming machines on a casino floor playable by a player (figure 1[game playing area 70, gaming machines 22a-22e, & player tracking server 28), comprising:

a remote device, the remote device being embodied in a mobile computer which may be carried on a the casino floor by a user who is not the player (abstract, figure 1[portable transaction device 24], and at least paragraphs 0011 & 0140, where the portable transaction device or PTD is a mobile computer having at least a processor, memory, display and a means for inputting data); and

a host computer coupled to at least one gaming machine by a network and including a remote network interface coupled to the remote device for exchanging data between the host computer and the remote device, the data including sign-up information entered by the user on the remote device to enroll the player in the player tracking system, the host computer for creating a player account in response to receiving, and as a function of, the sign-up information and storing the player account in a database, the remote device being coupled to the remote network interface by a wireless connection (see at least paragraphs 0018, 0104, and 0105, figure 1[player tracking server 28 is the host computer, PTD 24 is the remote device, and at least one game machine 22a, all of which are coupled or connected to one another via a network link as illustrated, further where the PTD is specifically connected to the network via wireless network link 72], & note: the disclosure throughout references a player account, profile or the like, where enrolling within a player tracking system inherently creates an account in the player tracking server's database for saving account information associated with the player that was enrolled into the tracking system).

Regarding claim 30, given the structure above with respect to the apparatus or system, Rowe et al. also implicitly disclose the method for enrolling the player into the player tracking system using the system described above. Specifically, Rowe et al. clearly provide the PTD to the casino personal

for use in player tracking and enrolling new players, where the PTD would require a form to be

filled out with the player's personal identification information, where upon filling out the form, the

information is be sent to the player tracking server where a player account or profile is created in

response to sending the tracking server sign-up information, such as personal identification

information associated with the player wishing to enroll into the player tracking system (paragraphs

0104-0107).

Claims 2, 27, 28, 31, 55, 56, & 59-62: Rowe et al. disclose that the PTD is used by the user to

establish an ID number of unassigned ID card, where PTD optionally has the feature to print a

temporary card for the player as the player is signing up, thus, this unassigned card having an ID is

then assigned to the player and the information is transmitted to the player tracking server for the

purpose of creating the player account and associating the player's personal information with the

player's account number and password for the player tracking system (see at least paragraphs 0106 &

0107). Regarding claims 27 & 28, the data as discussed above includes a player's ID card number,

which can be considered a personal identification number itself. Regarding claims 59-62, the PTD

has a card reader (paragraph 0012).

Claims 8, 9, 36, & 37: Rowe et al. disclose the PTD has a graphical user interface that comprises

electronic forms, where Rowe et al. disclose at least one form being a form to initiate a rating session

for a particular player. As Rowe et al. also discloses the enrollment process for enrolling a new player

into the player tracking system, it would appear inherent or simply implicit that the graphical user

interface at the PTD would include an electronic sign-up form to begin the enrollment process.

Further, this sign-up is used for the purpose of gathering personal information of said new player to

transmit the information to the player tracking server to create an account and officially enroll the

player into the system.

Claims 15 & 43: Rowe et al. disclose the host computer or player tracking server includes a database for maintaining the player tracking system, the remote network interface coupled to the database for retrieving and storing data therein (see at least the abstract that discloses a wireless link connects the player tracking server to the PTD, where the server is adapted to store player identification and game play data).

Claims 26 & 54: Rowe et al. disclose that when a player elects to participate in a rewards program via the player tracking system, the player may be requested for various information (i.e. sign-up information), such as a name, address, birth date, and the like (paragraph 0091).

Claims 29, 57, & 58: Rowe et al. disclose providing a signature to the PTD. The signature may be inputted into the PTD via a stylus, thereby implying the display includes a touch screen (paragraph 0120).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-7, 10-13, 22-25, 32-35, 38-41, 50-53, 63, & 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al, as applied to claims 1, 2, 8, 9, 15, 26-31, 36, 37, 43, & 54-62, where applicable.

Claims 3-5 & 32-34: Rowe et al. disclose the invention substantially as claimed except for explicitly disclosing the wireless connection (figure 1[wireless link 72]) specifically uses the IEEE 802.11 standard, and further specifically lacks disclosing the use of IEEE 802.11b or IEEE 802.11g.

However, regardless of such a deficiency, it would have been well within the ordinary level of skill

for the designer of the Rowe et al. system to use any of the protocols mentioned above. These

protocols are notoriously well known in the art as standard wireless network protocols, where

further it is notoriously well known in the art that IEEE 802.11b has a bandwidth maximum of

approximately 11 Mbps and IEEE 802.11g has a bandwidth maximum of approximately 54 Mbps.

Thus, the Examiner submits that the claimed wireless network protocols are notoriously well known

in the art as described above and any person of ordinary skill in the art at the time the invention was

made would have found it an obvious matter of design choice to utilize one of these commonly

available wireless protocols for use in the wireless portion of the system disclosed by Rowe et al.

Claims 6, 7, 10, 22-25, 35, 38, 50-53, 63 & 64: Rowe et al. disclose the invention substantially as

claimed except for explicitly disclosing the graphical user interface is particularly of a web design,

such that the software of the PTD executes within a web client. Rowe et al. do disclose a specific

graphical user interface for interaction between the PTD and the user such that the user is able to go

thru a menu system to specifically carry out various gaming transactions such as enrolling new

members into the player tracking system, initiating ratings for players, awarding comps, or the like.

Via this menu system, each of the limitations of claims 6, 7, & 22-25 appear to be met except for the

lack of a disclosure that the menu system or the various servlets are web-based and are executed

within a web client. Rowe et al. disclose a server interface in conjunction with the PTD and the

graphical user interface, where the service interface allows for a variety of functions to occur

specifically a login function to allow the user to login and a menu function to navigate the graphic

and service interfaces (paragraphs 0014, 0017, 0045-0049, & 0082; see also figure 5 showing an

example menu layer). Clearly there is some type of software designed for the PTD and the gaming

system disclosed by Rowe et al. to carry out transactions, however, there appears to be no specific

disclosure as to what platform, language, or any specific information as to the software. To those of

ordinary skill in the art programming specific functions from various languages are considered to be

obvious variants or art recognized equivalents for the same purpose, such as writing code for a

program to carry out a function in C++ or in java (which may be executed within a web client).

Thus, the Examiner concludes that it would have been a mere matter of obvious design choice to

one of ordinary skill in the art at the time the invention was made to utilize a web client executing

equivalent code to perform the same functions as disclosed by Rowe et al. simply within the

confines of a program code that is executable within a web client computer program. The language

that the program is written in does not appear to be critical and would have performed equally well

in any language given processing means to execute the code on the PTD. Regarding claim 10, Rowe

et al. disclose the remote device has a processor as discussed earlier and further that the sign-up

form is accessible through the PTD. The missing disclosure of the web client is obvious using a

similar rationale as discussed above. Regarding claims 63 & 64, these claims are included within this

rejection as the claims include limitations directed to the web client. The remainder of claims 63 &

64 is explicitly disclosed and discussed above with respect to claims 1 & 30. The web client would be

an obvious design change as discussed above to the existing disclosure of Rowe et al.

Claims 11-13 & 39-41: Rowe et al. disclose the PTD for retrieving information, such as the player's

name, address, etc during the sign-up process (paragraph 0091). Addresses are well known to include

a zip code. However, Rowe et al. fails to disclose a step of confirming the required information is

entered into the PTD and is correct, where an error message would be sent if the information was

not correct. However, one of ordinary skill in the art would recognize that it is necessary to insure

sensitive information is correctly provided and entered and if that information is somehow faulty, to

alert the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to display an error message if required information was not provided

correctly to the user at the PTD. Additionally, systems such as the one disclosed by Rowe et al. are

typically known to verify the correct town and state were entered into the form by verifying the

town and state match a reverse look-up of the zip code entered, thereby assuming and confirming

correct information was provided.

Claims 14 & 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al., as

applied to claims 1, 2, 8, 9, 15, 26-31, 36, 37, 43, & 54-62, where applicable, in view of Rowe (U.S. Patent

No. 7,083,520, hereafter "Rowe2").

Claims 14 & 42: Rowe et al. disclose the invention substantially as claimed except for explicitly

disclosing the player providing the PTD with a room number and the system looking up additional

player information stored associated with the room number to create a player account in the player

tracking system simply based on the player's room number. However, in a similar invention

involving a player tracking system within hotel rooms, Rowe2 discloses that a player is capable of

being enrolled in a player rewards or tracking system based upon the player's room number. Thus, as

Rowe2 teaches the missing limitation, and would be motivated to modify Rowe et al. to provide a

simple way for players that have hotel rooms at the particular casino to enroll into the player

tracking system. Certain persons may feel the sign-up process is a hassle; however, providing a

means for the player to simply provide a room number and automatically fetch additional player

information to establish the player's account would be immensely convenient. Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify

Rowe et al. with the function of enrolling a player into a player tracking system via a simple input of

the player's room number as described above for the purpose of simplicity.

Claims 16-21 & 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al., as

applied to claims 1, 2, 8, 9, 15, 26-31, 36, 37, 43, & 54-62, where applicable, in view of Ramakrishnan

(Database Management Systems. 1998, McGraw Hill. ISBN 0-07-050775-9.

Claims 16-20 & 44-48: Rowe et al. disclose the invention substantially as claimed except for explicitly disclosing a specific type of data storage including a database consisting of tables with first data objects coupled to the database tables or a second data object for assembling first data objects. However, Ramakrishnan teaches a database for storing data in database tables (page 21, paragraph 2) with a plurality of first data objects coupled to the database tables for retrieving and storing data in the database tables (page 22, paragraph 2; where relations such as data types are formed within tables), at least one second data object coupled to the first data objects for assembling multiple first data objects into a third data object (page 21, paragraph 2; where a second object is a database collecting all tables of a database). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the generic network storage disclosed by Rowe et al. with the specific table and database related storage system as taught by Ramakrishnan in order to provide a more organized and efficient method of accessing and manipulating data.

Claims 21 & 49: The combination of Rowe et al. & Ramakrishnan teaches the invention substantially as claimed except for explicitly disclosing a web client and data formatted into HTML for display by the web client. The issue of the web client itself was discussed earlier and is incorporated herein, such that the Examiner concluded the web client is an obvious design consideration dependent on which language a programmer utilizes to write the software for the PTD. Further, one of ordinary skill in the art would recognize that HTML is a well known format to receive and display data on a web client, such that HTML is standard programming for a web client. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to format data in HTML for display on the web client.

Response to Arguments

Applicant's arguments with respect to claims 1-64 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See additional relevant prior art references cited in the attached "Notice of References Cited".

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571)272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or

access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

/MBS/